

## **REMARKS**

This Response After Final Action is made in compliance with the requirements of 37 CFR §1.116. No amendments are made.

Applicants submit the attached Declaration under 37 CFR §1.132 in response to the rejection under 35 USC 103(a) over Wenstrom, Jr., et al (US 6,045,573) in view of Hurson (US 5,833,463).

Applicants submit that the timing of the attached 1.132 Declaration complies with CFR §1.116(e) because it is necessary to overcome the new grounds of rejection mailed on May 31, 2007 and could not have been submitted earlier because there was no prior obviousness rejection. Furthermore, the factual evidence was explicitly included in the specification as originally filed, see paragraph [0017], but does not appear to have been considered. Consideration of the attached Declaration is respectfully requested.

The Final rejection combines Wenstrom et al, which discloses a suture anchor having an eyelet, and Hurson, which discloses a dental screw treated with titanium anodize process. Specifically, Hurson discloses titanium anodize treatment on the threads of the screw. The treated layer is softer than titanium, tends to cold flow and under the application of sufficient force deforms plastically such that the torque forces of the screw are distributed more evenly along the screw threads. See column 7, lines 48-51. Further, Hurson states:

The sole purpose of anodizing bone screws is to make the surface more compatible with bone and tissue and less subject to corrosion by body fluids.

Column 7, lines 60-63. In contrast, the eyelet of the suture anchor of the present application is not subjected to forces that will cause plastic deformation. Further, the inner surface of the eyelet of the suture anchor does not generally touch bone or tissue, but suture material. The titanium anodize layer improves the sliding properties of the eyelet and increases the life of the suture passing through the eyelet, as discussed in paragraph [0017] of the specification and in the attached Declaration under 37 CFR §1.132.


The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein and the attached Declaration under 37 CFR §1.132.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 27, 2007

By: \_\_\_\_\_



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